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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,528	07/27/2001	Ferdinand Grog	Q63846	7040

7590

07/31/2002

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EXAMINER

NGUYEN, CHAU N

ART UNIT PAPER NUMBER

2831

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/915,528

Applicant(s)

GROGL ET AL.

Examiner

Chau N Nguyen

Art Unit

2831

-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address --

**Period f r Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hake et al. (5,917,155) in view of Dillow et al. (4,430,385).

Hake et al. discloses a cable with at least one transmission element, which is surrounded by a sheath of insulation material, wherein the sheath comprises an inner layer (18) and an outer layer (20), wherein the inner layer and outer layer are made of the same base material, and wherein the values for tensile strength and elongation at break of the inner layer are significantly lower than those of the outer layer as a result of additives being included into the base material of the inner layer (re claims 1 and 8).

Hake et al. does not specifically disclose the inner and outer layers being firmly bonded together when the outer layer is extruded around the inner layer. Dillow et al. discloses a cable sheath comprising an inner layer and an outer layer, wherein the inner and outer layers being firmly bonded together without a separate

adhesive therebetween when the outer layer is extruded around the inner layer. It would have been obvious to one skilled in the art to apply the teaching of Dillow et al. in the cable sheath of Hake et al. to facilitate stripping of the composite insulation from the conductor (re claims 1, 8 and 9).

Re claims 2 and 3, Hake et al. discloses that the two layers of the sheath being of approximately the same thickness or between 60:40 and 40:60.

3. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hake et al. in view of Dillow et al. as applied to claim 1 above, and further in view of Livingston et al.

Livingston et al. discloses a cable comprising a sheath which comprises an inner layer (28) and an outer layer (30), wherein the values for tensile strength and elongation at break of the inner layer (28) are significantly lower than those of the outer layer (30) (see the C&M document attached herewith, etc. the inner layer being polyethylene and the outer layer being PVDF).

Livingston et al. also discloses the tensile strength of the inner layer being approximately half of that of the outer layer and being about 20 N/mm<sup>2</sup>, the elongation of the inner layer being no more than approximately one third of that of the outer layer and being about 150%. It would have been obvious to one skilled

in the art to apply the teaching of Livingston et al. in the cable sheath of Hake et al. such that the cable is stable at moderately high temperatures.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection except for the following.

Applicant argues that the tensile strength and elongation values of polyethylene and the tensile strength and elongation values of TEFLON are in the same scale for both materials. This argument is not found persuasive. Livingston et al. discloses the inner layer being polyethylene and the outer layer being PVFD. According to the C&M paper, the tensile strength and elongation values of polyethylene and the tensile strength and elongation values of PVFD are much different.

### ***Summary***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Communication*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N Nguyen whose telephone number is 308-0693. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308 3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308 3431 for regular communications and (703) 305 1341 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Chau N Nguyen  
Primary Examiner  
Art Unit 2831

CN  
July 26, 2002